

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING MINUTES**  
**Monday, October 5, 2009**

The Yadkin County Board of Commissioners met in Regular Session on Monday, October 5, 2009, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

**Present were:**

Chairman Chad Wagoner  
Vice Chairman Kevin Austin  
Commissioner Tommy Garner  
Commissioner David Moxley  
Commissioner Brady Wooten

**Staff present:** County Attorney, James Graham; Interim County Manager, Jim Haynes; and Clerk to the Board, Gina Brown.

**CALL TO ORDER** by Chairman Wagoner at 9:00am.

**INVOCATION** led by James Graham.

**PLEDGE OF ALLEGIANCE** led by Chairman Wagoner.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

Chairman Wagoner noted that a closed session would be necessary at the end of today's meeting for consultation with attorney and the discussion of a personnel matter.

**Commissioner Moxley made a motion to approve the agenda with the noted adjustment. Vice Chairman Austin second.**

**Vote: 5/0**

**PUBLIC COMMENTS**

Public Comments portion of the meeting opened at 9:05am.

Mr. Eric Harrington of Elkin appeared before the Board representing Citizens Alliance for a Clean Healthy Economy (CACHE). Mr. Harrington spoke against the proposed Fibrowatt plant to be constructed on the Surry County side of the Yadkin River. It has

been promoted that Fibrowatt will create 100 new jobs for the area. Mr. Harrington reported that even administrators of Fibrowatt report a maximum of 10 new jobs. Further, Mr. Harrington reported that utility companies will charge higher rates, local farmers will experience a decrease in the dollar rate of chicken litter, and there will be a negative impact on the vineyards and growth in that industry.

Mr. Harrington continued with the environmental effects of the Fibrowatt plant; stating that it would be the largest source of pollution in Surry County. Fall-out from this plant will enter the air, water, and specifically, the Yadkin River. Citizens, farms, crops, and animals will be affected.

Mr. Harrington asked the Board to conduct its own research on this issue and to go on record, preferably against the Fibrowatt plant.

Dr. William Blackley of Elkin appeared before the Board to speak in opposition of the Fibrowatt plant. Mr. Blackley provided the Board a list of websites that outline the risks of the Fibrowatt plant. Dr. Blackley reported that 38 local physicians and 11 local pharmacists are active in the opposition. Weyerhaeuser is the current largest polluter in Surry County. Fibrowatt will surpass this amount by 140%. Fibrowatt emissions will greatly increase the risks of chronic bronchitis in athletes, older citizens, and youth. There will also be an increased risk of heart disease, ear infections, thyroid and endocrine issues. Properties within a 6 mile radius will experience a 20% reduction in value. The incinerator will discourage business development and deter potential retirees to the area.

Further, Dr. Blackley remarked that the existing Fibrowatt plant in Benson, Minnesota is experiencing enforcement for permit violations and are not required to notify the public of this violation.

Per megawatt, Fibrowatt emissions are more polluting than clean coal. Every dollar that is spent on this facility is one less dollar spent on clean, renewable energy. This project will not only be costly for the region, but will be damaging to the image that the Yadkin Valley is trying to create.

Pattie Steelman of Hamptonville appeared before the Board. Mrs. Steelman provided the Board with a printed document including quotes from various meeting minutes. Mrs. Steelman stated that she attended a recent meeting in which the Board of Commissioners denied the request of the Yadkin Arts Council to waive inspection and permitting fees. Mrs. Steelman stated that fees have been waived in the past and referred specifically to the minutes of July 20, 2009, which reads;

"County Manager Kiser reported that the Yadkin Center of Surry Community College has begun the process of moving a modular unit to the Hoots Road location. The Yadkin Center is requesting that Yadkin County waive all permitting and inspection fees. County Manager Kiser reported that fees have been waived in the past for Yadkin County Schools. After brief discussion, it was the consensus of the Board not to waive the necessary fees due to the precedent that would be set by this action."

Mrs. Steelman asked Attorney Graham to clarify the legality of this issue.

Public Comments portion of the meeting closed at 9:19am.

### **APPROVAL OF MINUTES**

Vice Chairman Austin requested the following adjustments on page 7:

- (1) Correction from Judge Craig to Judge Gregory.
- (2) Change wording to read "a copy of a report."

**Commissioner Wooten made a motion to approve the September 21, 2009 Regular Meeting Minutes with noted adjustments. Commissioner Moxley second.**

**Vote: 5/0**

### **PUBLIC HEARING**

There were no items for public hearing or action to set a public hearing under this section.

### **BOARD APPOINTMENTS**

(1) Christopher Ong, Director of Planning and Development, appeared before the Board to discuss the establishment of a Land Use Plan Committee. Mr. Ong reported that a land use plan should be updated at 3 to 4 year intervals with a 20-year outlook. As the process of developing a new plan could take up to 18 months, Mr. Ong estimates a spring 2011 delivery. Mr. Ong asked the Board to establish a plan committee that will include 2 commissioners as ex-officio members. In addition, Mr. Ong requests that Barry Hennings, Chairman of the Planning Board, and Joseph Sloop, Land Records Supervisor serve on this committee.

**Vice Chairman Austin made a motion to establish a Land Use Plan Committee as recommended by the Planning and Development Director. Commissioner Garner second.** Chairman Wagoner announced mutual concerns of the Board for such a large number of members for this committee. The Board is concerned that a group of this size may be ineffective. Mr. Ong explained that he would like to have one individual from each of the voting townships and believes that this size group is manageable for a monthly meeting schedule. Further, Mr. Ong explained that an application would be posted on the County website. Applications would be reviewed and recommendations would be presented to the Board. Chairman Wagoner agreed with the recommendation of Mr. Hennings and Mr. Sloop. Commissioner Garner suggested that the candidates represent a variety of interests and not limited to agriculture only.

**Vote: 5/0**

Vice Chairman Austin expressed interest for serving on this committee. Chairman Wagoner noted that Vice Chairman Austin and Commissioner Moxley were the only 2 members whose terms will not expire within the 18 month anticipated time frame. However, Commissioner Wooten was also interested in serving on this committee.

It was the consensus of the Board to appoint Vice Chairman Austin and Commissioner Wooten to the Land Use Plan Committee.

(2) The Board reviewed requested appointments to the Public Libraries of Yadkin County Board of Trustees.

**Vice Chairman Austin made a motion to approve the appointment of Bob Adams and Jack Loudermilk to the Public Libraries of Yadkin County Board of Trustees.**

**Commissioner Wooten second.** Commissioner Moxley commented that he had served with both individuals and acknowledged their capabilities.

**Vote: 5/0**

## **BOARD REPORTS/REQUESTS**

(1) Bobby Todd, Director of the Yadkin Chamber of Commerce, appeared before the Board for updates on chamber activities, economic development, and tourism.

Mr. Todd reported the following:

- \* Tourism continues to grow.
- \* Yadkin tourism information is available at the new Wilkes Visitor Center.
- \* The current installment of Leadership Yadkin began in September. There are 15 participants.

- \* Chamber Board members recently toured the 5D site. The tour enabled local business owners to realize the long-term planning process of Yadkin County.
- \* The recent Yadkin Valley Stomp, a motor cross event held annually in Yadkin County made a tremendous impact on the area with over 10,000 visitors.
- \* One economic development potential for Yadkin County is seeking a site for new development.
- \* The site development work with the Duke Energy Foundation continues. Requests for proposals have begun and steps are being taken to be 'shovel ready.'
- \* The Chamber recently held its annual Industry Appreciation Event allowing industry leaders the opportunity to network and be recognized for their contributions.
- \* The unemployment rate for Yadkin County remains under 10%, the lowest in the region. With only 50 new hires at this time, Nonni's has not made a tremendous impact on this number.

Commissioner Moxley commented that local news produced a segment on the comparatively low unemployment rate of Yadkin County. Mr. Todd offered that Yadkin County has not had the industry closures and massive layoffs as surrounding areas.

Vice Chairman Austin noted that he, too, had participated in a tour of 5D. Vice Chairman Austin believes it is important to keep the public informed of progress such as the reservoir and its positive impact on the County.

In addition, Vice Chairman Austin reported his tour of the Unifi plant sponsored by the Chamber of Commerce. Vice Chairman Austin expressed his awe of the manufacturing process achieved by Unifi. Mr. Todd added that the Reprieve product line of Unifi is doing very well and the manufacturing process of the line was featured on the Discovery Channel in recent months.

(2) Jack Koontz, Chairman of the YVEDDI Board of Directors, along with Bobby Todd, participated in the discussion regarding the proper ownership of 5+ acres on Messick Road. Mr. Koontz stated that he would support the deeding of the property to Yadkin County if verification can be provided that Yadkin County reimbursed the purchase price to YVEDDI. Mr. Todd responded that the Phillips Van Heusen project was well under way when he was hired by YVEDDI. Mr. Jimmy Hutchens, the Director of YVEDDI at that time, stated that the property was purchased with funds made available by Yadkin County. Meeting minutes of the Board of Commissioners indicate that money was allocated to YVEDDI for economic development. Meeting minutes of the YVEDDI Board indicate that YVEDDI agreed to accept the funds. Mr. Todd referred to documents in the agenda indicating a request from the local telephone company to lease a portion of the property.

Chairman Wagoner read from page 14 of the agenda...

"Since Yadkin County funds were involved in acquiring this site, we request that any objections or consent to this proposed lease be provided within 30 days."

Chairman Wagoner remarked that there is not definitive evidence indicating that Yadkin County owns the property or that Yadkin County solely funded the purchase. Vice Chairman Austin added that similar letters addressed to other counties in the service area would be convincing, but there is no clear evidence of Yadkin County's ownership of the property. Based on the omission of the surrounding counties, Commissioner Wooten feels the letter indicates Yadkin County's sole involvement. Commissioner Garner read from pages 18 and 19 of the agenda packet...

"Chairman Crouse shared with the public a proposal of putting \$550,000 into the Economic Development Project."

"Commissioner Hunter expressed... the money is not being given directly to the industry, but is being disbursed through the Chamber of Commerce through infrastructure."

" ... the Yadkin County Board of Commissioners... transfer funds from Capital Reserve to Economic Development."

Commissioner Wooten believes that a large contribution was made to YVEDDI for the economic development project of Phillips Van Heusen but that there is no record of how those funds were appropriated. Commissioner Moxley suggested that former commissioners, Thomas Wooten and Michael Crouse, be contacted regarding this matter. It was noted that Mr. Crouse does not recall the circumstances surrounding this transaction.

As Mr. Todd indicated that funds from other counties have never been used for economic development projects, Chairman Austin believes it stands to reason that only Yadkin County funded the project.

Attorney Graham advised that Yadkin County has no legal claim to the property as YVEDDI is listed on the title. Vice Chairman Austin questioned the value of the property to any other entity other than Phillips Van Heusen. Mr. Koontz indicated that YVEDDI has no purpose for the property other than to sell and use the funds toward the loan on its new building. Mr. Todd also indicated that the commerce program has no specific plans for the property other than as an asset to the corporation.

**Commissioner Wooten made a motion requesting that YVEDDI transfer the 5+ acres on Messick Road to Yadkin County since Yadkin County funds were involved in the original purchase. Commissioner Moxley second.** It was noted that Phillips Van Heusen has a 'first right of refusal'. The Board questioned if this clause would apply to a transfer as it would a sell.

**Vote: 5/0**

Mr. Koontz agreed to present this request to the YVEDDI Board of Directors.

## **BOARD ACTION**

(1) Attorney John Crill of Parker, Poe, Adams and Bernstein appeared before the Board for discussion of the RFP process for the sell of Hoots Hospital.

Mr. Crill provided an overview of the RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF YADKIN TO LEASE, SELL OR CONVEY HOOTS MEMORIAL HOSPITAL as follows:

- a. Declares the intent.
- b. Approves the form and content of the RFP.
- c. Requires the manager to directly solicit proposals.
- d. Denotes the statutory requirement of the proposing entity to disclose information about all other hospitals owned or operated by the entity.
- e. Denotes the right of the Board to refuse any and all proposals.
- f. Declares the intent to negotiate a contract.
- g. Establishes a public hearing for the resolution. (The resolution establishes the public hearing for Monday, November 2, 2009 at 9:00am.)

Attorney Graham noted a date error on the bottom of page 1 of the resolution. Commissioner Moxley noted a similar error on page 2 of the RFP. It was confirmed that RFPs would be sent to 16 major medical entities. Vice Chairman Austin asked if there would be an advertisement in a hospital trade magazine. Mr. Crill agreed to place such an ad at the Board's request.

Mr. Crill provided an overview of the RFP as follows:

- a. Authorizes the manager to provide RFPs to anyone that requests.
- b. Reports that a resolution was adopted.
- c. Declares the purpose.
- d. Provides a brief description of the hospital; including financial data, size, and number of employees.

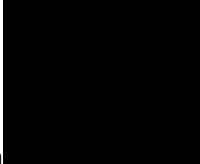
- e. Requests a specific proposal and provides due dates, mailing address, and contact information.
- f. Requests that proposals include the reimbursement of legal fees associated with the preparation of the RFP.
- g. Requires the proposing entity to disclose medical issues, licensing concerns, and other legal matters.

In addition, the RFP specifically asks the proposing entity to include the following in the proposal:

- a. Commitment to maintain the current staff.
- b. Anticipated local participation in governance.
- c. Anticipated autonomy of medical staff.
- d. Plans to develop and construct a new facility within 5 years.
- e. Anticipated amount of insurance coverage, including "tail" coverage.

**Vice Chairman Austin made a motion to approve the RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF YADKIN, NORTH CAROLINA TO LEASE, SELL OR CONVEY HOOTS MEMORIAL HOSPITAL and the Request for Proposals for the Lease, Sell or Conveyance of Hoots Memorial Hospital. Commissioner Wooten second.**

**Vote: 5/0**

  
**Yadkin County**  
**Administrative Offices**  
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 217 East Willow Street  
 Yadkinville, NC 27055  
 336-679-4200  
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*C. Chad Wagoner, Chairman of Board*  
*Kevin Austin, Vice Chairman*  
*Tommy Garner, Commissioner*  
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*Jim Graham, County Attorney*  
*Jim Haynes, Interim County Manager*  
*Gina Brown, Clerk to the Board*

**RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF YADKIN, NORTH CAROLINA TO LEASE, SELL OR CONVEY HOOTS MEMORIAL HOSPITAL**

**WHEREAS**, Hoots Memorial Hospital (the "Hospital") is owned by the County of Yadkin, North Carolina (the "County"); and

**WHEREAS**, the Hospital consists of land, buildings and improvements, equipment and other assets, located at 624 West Main Street, Yadkinville, North Carolina; and

**WHEREAS**, the Hospital is operated as a community general hospital by the Hoots Memorial Hospital Board of Trustees, all of the members of which are appointed the County; and

**WHEREAS**, The Board of Commissioners of the County (the "Board of Commissioners"), is interested in receiving proposals for the lease, sale or conveyance of the Hospital and intends to negotiate a contract to sell, lease or convey the Hospital; and

**WHEREAS**, any lease, sale or conveyance of the Hospital by the Board of Commissioners (i) shall be pursuant to the authority granted to the County by Part A, Article 2, Chapter 131E of the North Carolina General Statutes (the "Statute"), and



(ii) shall be in compliance with the procedures set out in the Statute, and any document of sale or lease shall include the conditions required by Statute;

**WHEREAS**, in compliance with the Statute, the Board of Commissioners has given notice by publication of its intent to lease, sell or convey the Hospital and has given notice by certified mail to certain agencies of the State of North Carolina, as required by the Statute; and

**WHEREAS**, there has been presented to the Board of Commissioners a Request For Proposals for the lease, sale or conveyance of the Hospital which the County intends to send to prospective lessees and buyers.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF YADKIN, NORTH CAROLINA RESOLVES AS FOLLOWS:**

(1) The Board of Commissioners hereby declares its intent to lease, sell, or convey Hoots Memorial Hospital, pursuant to terms and conditions negotiated by the Board of Commissioners.

(2) The Board of Commissioners hereby approves the form and content of the Request for Proposals (the "RFP") and hereby authorizes the County Manager of Yadkin County to provide a copy of the RFP to any person who requests a copy.

(3) The County Manager shall directly solicit proposals for the lease, sale, or conveyance of the Hospital from the entities listed on Exhibit "A" attached hereto. Each such solicitation shall include a copy of the RFP and a copy of the Statute. All proposals for the lease, sale, or conveyance of the Hospital must be received by January 6, 2010, in order to be considered by the Board of Commissioners.

(4) Any entity interested in leasing or purchasing the Hospital shall provide to the County Manager information as to charges, services and indigent care at similar facilities owned or operated by the proposed lessee or purchaser.

(5) The Board of Commissioners reserves the right to reject any and all proposals and to accept the proposal that it determines, in its sole and absolute discretion, is in the best interests of Yadkin County and its citizens.

(6) The Board of Commissioners intends to negotiate a contract for the lease, sale, or conveyance of the Hospital with the entity that submits the proposal accepted by the Board of Commissioners.

(7) A public hearing on this Resolution of Intent shall be held on November 2, 2009, at 9:00 a.m. in the Commissioners Meeting Room, Yadkin County Human Services Building, 217 East Willow Street, Yadkinville, NC 27055.

s/ C. Chad Wagoner  
Chad Wagoner, Chairperson,  
Yadkin County Board of Commissioners

**Yadkin County**

**Administrative Offices**

PO Box 146

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**C. Chad Wagoner, Chairman of Board**  
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**Tommy Garner, Commissioner**  
**David Moxley, Commissioner**  
**Brady Wooten, Commissioner**

**Jim Graham, County Attorney**  
**Jim Haynes, Interim Manager**  
**Gina Brown, Clerk to the Board**

Date: \_\_\_\_\_

**Proposals for the Lease, Sale or Conveyance of Hoots Memorial Hospital**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear \_\_\_\_\_;

On October 5, 2009, the Board of Commissioners of Yadkin County, North Carolina (the "Board of Commissioners") adopted a resolution (the "Resolution") declaring its intent to sell, lease, or convey Hoots Memorial Hospital (the "Hospital").

In accordance with the Resolution and the provisions of Part A, Article 2, Chapter 131E of the NC General Statutes [the "Statute"], the Board of Commissioners is required to solicit proposals for the sale, lease or conveyance of the Hospital. The purpose of this letter is to invite your organization to submit a proposal. (Copies of the Resolution and the Statute are enclosed for your reference.) The County is under no obligation or responsibility to accept any proposal and reserves the right to reject any and all proposals.

It is the intention of the County to sell the Hospital, but proposals for the lease of the Hospital real estate and the sale of the personal assets will be considered. The County will require, as a condition to the sale or lease of the Hospital, that the buyer or lessee agree to replace the Hospital building with a new hospital facility within a reasonable period of time. The specific provisions listed in the Statute will be included in the lease, sale or conveyance document.

The County expects to select the buyer or lessee from its careful examination of the proposals and to thereafter enter into negotiations with the selected party relating to a definitive agreement or agreements. However, the County reserves the right to reject any or all proposals for reasons sufficient to the Board of Commissioners in its sole and absolute discretion.

### The Hospital

The Hospital is located at 624 West Main Street, Yadkinville, NC 27055. The Hospital consists of land, buildings and other improvements, fixtures, equipment and furnishings, and certain other tangible and intangible assets (excluding cash on hand and on deposit). The Hospital is owned by Yadkin County (the "County") and is operated by a board of trustees appointed by the County pursuant to a resolution of the Board of Commissioners.

The Hospital is licensed to operate 22 inpatient beds, but currently staffs and operates eleven (11) inpatient beds. It has one operating room and one endoscopy room. It is a federally-designated Critical Care hospital and is accredited by the Joint Commission. The Hospital owns and operates a single-slice CT scanner and has access to a mobile MRI.

The Hospital has employees equal to 119 FTEs. There are seven (7) physicians on the active medical staff of the Hospital, including four (4) family physicians, an internist, a radiologist and a general surgeon. The courtesy medical staff consists of ten (10) physicians, including three (3) gastroenterologists, an ophthalmologist, a urologist, a pathologist and a psychiatrist.

The primary service area of the Hospital is the Town of Yadkinville and the secondary service area is the remainder of Yadkin County. The County's estimated population is 38,000, and is located in the northern part of North Carolina approximately thirty (30) miles west of Winston-Salem. The Town of Yadkinville is the county seat.

Copies of the Hospital's audited financial statements for three (3) fiscal years ending June 30 of 2006, 2007 and 2008 are enclosed with this letter.

### Proposals

Your proposal should be in writing, signed by an authorized person, and received by the undersigned no later than 5:00 p.m. on January 6, 2010. My mailing address is P.O. Box 146 Yadkinville, NC 27055 and my office is located in the Yadkin County Human Services building, 217 East Willow Street, Yadkinville, NC 27055. Requests for additional information should be submitted to me. You are invited to visit the Hospital. Please call me to schedule your visit. My telephone number is (336) 679-4200 and my fax number is (336) 679-6005.

Your proposal should include a statement that you agree to reimburse the County for professional consulting fees relating to the development of this RFP and the lease or sell of the hospital.

Please provide us with six (6) copies of your proposal and an electronic copy, which may be in the form of a compact disk or an attachment to an e-mail. The electronic copy should be in PDF format.

All proposals will be evaluated as submitted; provided that the County reserves the right to request more information. Although your proposal will be a public document, it will be reviewed by the Commissioners in closed session, and will be made available to the public when the County gives notice of a public hearing on the proposals.

### Information Regarding the Proposing Company

Please provide the following information in your proposal.

1. The full name of your company, its state of incorporation, the date of its incorporation, its mailing and street addresses, telephone number and the name of the person to contact.
2. The name of the directors and principal officers of your company and a brief summary of the experience of each person in the healthcare industry.
3. Copies of your audited financial statements (including all footnotes and auditor's letters) for the last three fiscal years and unaudited interim statement for the current period. Please provide us with a copy of the attorneys' letters regarding pending and threatened claims and investigations for each of the last three fiscal years.
4. A list of all hospitals owned and/or operated by your company, including the mailing addresses, telephone numbers and persons to contact for each hospital. Please indicate which of these are Critical Access Hospitals.

5. A statement as to whether or not your company, any affiliate of your company or any shareholder, officer or director of your company or any affiliate has ever been suspended or excluded from or denied participation in any federal health care program, including without limitation Medicare, Medicaid and TRICARE. Please indicate whether there are any threatened or ongoing investigations relating to Medicare, Medicaid or TRICARE.

6. A statement as to whether or not the licensure or accreditation of your company, or any hospital owned or operated by your company or any affiliate of your company, has ever been suspended, revoked or denied.

7. A listing of the insurance coverage your company maintains, including without limitation, professional liability, general liability and officers and directors coverage. Please include the name of each insurance company and provide the coverage limits and deductibles under each policy.

#### Matters to be Discussed in the Proposals

Please discuss the following matters in your proposal:

1. The amount you are willing to pay for the purchase of the Hospital or for the lease of the Hospital real estate and the purchase of the other Hospital assets
  2. The extent to which you will invest in the Hospital, including without limitation, working capital, capital improvements, equipment and computer technology.
  3. Your commitment to maintaining an acute care hospital facility in Yadkin County for the duration of a lease, or following a sale.
  4. Your specific ideas on service enhancements and development of facilities and services which are intended to meet health care needs of the citizens and residents of Yadkin County, and ideas on the promotion of the use of such facilities and services.
  5. Your commitment to continued employment of current Hospital employees and continuation of equivalent benefits, including without limitation, retirement benefits.
  6. Your commitment to "reinvest" hospital revenues in the Hospital and to minimize the transfer of funds outside of Yadkin County.
  7. Your ideas regarding local participation in governance and management of the Hospital.
  8. Your commitment to the autonomy of the Medical Staff.
  9. Your commitment to provide indigent care at the current levels.
  10. Your commitment to develop programs to provide health care, including preventative care, outside the Hospital.
  11. The extent of your access to additional expertise and resources in hospital operations.
  12. Your commitment to plan, develop, construct and license a new hospital facility within five (5) years.
  13. Your ideas for the Medical Staff development, including recruitment and retention plans, promoting physician practices and continuing education for physicians.
  14. Your record of regulatory compliance.
  15. Your commitment to maintain appropriate amounts of insurance coverage including without limit professional liability coverage and "tail" coverage to protect the County after the lease or sale of the Hospital.
  16. Information demonstrating that the lease, or sale of the Hospital to your organization will provide for the health-related needs of medically underserved groups such as low income persons, racial and ethnic minorities, and handicapped persons.
  17. Information on charges, services, and indigent care at similar facilities owned or operated by your organization.
- Please contact the undersigned for more information regarding the Hospital and to schedule a visit to the Hospital.  
Thank you very much for your interest in this important matter.

Sincerely,

s/ James E. Haynes  
James E. Haynes  
Interim County Manager

(2) Dottie Lyvers, Director of the Area Agency on Aging, appeared before the Board. Ms. Lyvers reported that Federal and State stimulus funds had been awarded to the Elderly Nutrition Programs of North Carolina. Of the \$2.7 million received, 67% is designated for congregate meals and 33% for home delivery. According to the intrastate formula, Yadkin County will receive \$10,462 for congregate nutrition and \$5,150 for home delivered meals. The local match is \$1,162 for congregate and \$572 for home delivered. Local administrators of elderly nutrition programs must begin expending

these funds by November 1, 2009 and have all funds expended by June 1, 2010. The local administrator for Yadkin County is YVEDDI. To date, YVEDDI has not contacted Yadkin County to provide the local match and may plan to meet the local match with existing funds. The Yadkin County Board of Commissioners needs only to approve the funding as outlined and takes no action on the local match unless contacted by the local administrator.

**Commissioner Wooten made a motion to approve the additional State and Federal funding of the Elderly Nutrition Programs. Commissioner Moxley second.**

**Vote: 5/0**

(3) Jerry Hutchens, Animal Control Director, appeared before the Board. Mr. Hutchens explained that new State laws are requiring changes to the euthanasia chambers currently being used. There are limited vendors for the required work and those proposals were presented to the Board. Contracted services with a local veterinarian have been used in the interim period at a cost of \$1,243 for September 2, 2009 through September 25, 2009. These costs will continue until the euthanasia chambers are altered to meet current standards. Mr. Hutchens recommended F.L. Osborne and Associates for the immediate alterations with additional expenses for environmental consultation and electrical wiring. Total estimated cost is \$4,209.

**Commissioner Wooten made a motion to approve the budget amendment for alterations to the euthanasia chambers at the animal shelter. Commissioner Garner second.** Vice Chairman Austin commented that he is an advocate for lethal injection. Stokes County recently changed its procedures from gas to injection and would like to see Yadkin County take steps in that direction as well.

**Vote: 5/0**

(4) The Board reviewed the meeting schedule for 2010. Vice Chairman Austin noted that a joint meeting with the Board of Education has been scheduled on the Memorial Day Holiday. Chairman Wagoner suggested that the meeting remain as scheduled for the time being. Budget meetings will be scheduled in that time period and may supersede a joint meeting. In addition, Vice Chairman Austin pointed out that a regular meeting had been scheduled for the Independence Day Holiday. Clerk Brown suggested that the meeting be scheduled for Wednesday, July 7, 2010 in keeping with the same format.

Commissioner Moxley made a motion to approve the 2010 Meeting Schedule of the Yadkin County Board of Commissioners with noted adjustment. Commissioner Wooten second.

**Vote: 5/0**

*Chairman Wagoner called for a recess at 10:44am. Meeting resumed at 11:02am.*

## **MANAGER REPORTS/COMMENTS**

Chairman Wagoner introduced Mr. Jim Haynes as the Interim County Manager. Chairman Wagoner stated that Mr. Haynes had been hired on September 29, 2009 to serve in the interim capacity.

Interim Manager Haynes stated that it was a pleasure to be back in Yadkin County and see familiar faces. Interim Manager Haynes noted that Eddie Wooten and Phyllis Adams were employed with the County during his first service as County Manager. Rex Baity, who was in attendance at today's meeting, was an EMS employee during that time.

Interim Manager Haynes commented that Yadkin County has experienced much progress since he served as Manager in the late 1970s and early 1980s. The 5D project was only a dream and even the Human Resources Building was an idea on paper.

Interim Manager Haynes will continue to move forward with the lease of office space for parole officers and needed repairs to the office facilities.

Interim Manager Haynes remarked that he is glad to be in Yadkin and will do what he can to bridge the gap until a full time manager is in place.

## **CALENDAR NOTES**

Chairman Wagoner reviewed the calendar items as noted on the agenda. In addition, Chairman Wagoner reported a Red Cross Blood Drive to be held at the Yadkin Family YMCA on Thursday, October 8, 2009 from 10:00am to 2:00pm. Chairman Wagoner stated that there is a desperate need for blood and encouraged all to donate.

## **COMMISSIONER COMMENTS**

Commissioner Wooten had these additional comments regarding the recent jail committee meeting:

- \* An organizational meeting was held on Monday, September 28, 2009.
- \* A second meeting will be held on Wednesday, October 7, 2009.
- \* The financing of a potential facility was one topic of discussion.
- \* The LGC has confirmed that the current loan from RBC can be used to construct a facility in an alternate location.

- \* Alternate projects construction must be reviewed and approved by the LGC.
- \* It is unclear if the North Carolina General Statutes allow a single vendor solicitation on this project. The School of Government has been consulted on this issue and a response will be forthcoming.

Commissioner Moxley had these additional comments:

- (1) Commissioner Moxley welcomed Interim Manager Haynes and congratulated Attorney Jim Graham on the birth of his grandson.
- (2) Commissioner Moxley reported that the public hearing for activities on the 5D Reservoir has drawn some interest and the Board should expect speakers on this issue.

Commissioner Garner had these additional comments:

- (1) Commissioner Garner acknowledged the birth of Attorney Graham's grandson.
- (2) Commissioner Garner asked Attorney Graham to address earlier comments by Pattie Steelman regarding the waiving of inspection and permitting fees.

Attorney Graham reported that he cannot possibly have personal knowledge of all the laws. Waivers were granted to Yadkin County Schools in 2007 in error and Attorney Graham takes responsibility for that error. By June of 2008, Attorney Graham had received additional information on this issue and advised the Board not to approve waivers without further research. Attorney Graham has since determined that the Yadkin County Board of Commissioners does not have the authority to waive fees for any entity.

- (3) Commissioner Garner questioned the wording in a lease agreement with YVEDDI for the Community Services Building. Commissioner Garner believes the wording is unclear as it relates to the responsibility for maintenance and repairs. Attorney Graham advised that one paragraph refers to wear and tear of the structure while one paragraph refers to the arrangement of tenant offices. Attorney Graham added that an owner is liable for the outside structure and the tenant is liable for the inside in a typical lease agreement.

- (4) Commissioner Garner commented briefly on the Fibrowatt issue stating that winds in Yadkin typically follow a west/northwest pattern resulting in fall-out from the plant. However, Commissioner Garner does not feel that Yadkin County should be involved in this Surry County matter.

Vice Chairman Austin had these additional comments:

- (1) Vice Chairman Austin welcomed Interim Manager Haynes and thanked him for becoming familiar with the business of Yadkin County so quickly.
- (2) Vice Chairman Austin attended a recent leadership meeting of the Piedmont Triad Partnership (PTP). The PTP was formed to promote regional tourism. The PTP has 3 areas of focus...
  1. Transportation – maximizing the PTI airport and highway systems
  2. Bio and Nano Technologies – forming industry clusters
  3. Home Furnishings – rescue and expand the industry

Chairman Wagoner had these additional comments:

- (1) Chairman Wagoner welcomed Interim Manager Haynes. Chairman Wagoner stated that Interim Manager Haynes' recognition of County employees is a testament to Yadkin County with the longevity and dedication of County employees.
- (2) Attorney Graham reported having received approximately 25 applications for the County Manager position. Chairman Wagoner asked Attorney Graham to provide copies of the applications to all 5 Board members. Members should review the applications and choose 5 to interview. Commissioner Wooten has suggested an aggressive timeline that would have a County Manager in place by January 1, 2010. Chairman Wagoner believes that a start date of February 1, 2010 is not unreasonable. This will allow the new manager to be in place at the beginning of the budget preparations.
- (3) Chairman Wagoner noted the recent joint meeting with the Board of Education. Chairman Wagoner reported that the meeting took place in the library of the new Starmount Middle School. The library remains empty of books and Chairman Wagoner surmises that Forbush Middle School will not have library books at its opening. Principal Rick Swaim had reported that grants are being pursued, but no appropriate funds have yet been identified.

**Chairman Wagoner made a motion to release \$141,057 of school sales tax funds from capital reserve to the Board of Education for the purchase of library books for Starmount Middle School and Forbush Middle School contingent upon the restrictions set forth on these funds. Vice Chairman Austin second.** There was some discussion of these funds and if they were restricted to construction. Commissioner Garner commented that school authorities may redirect these funds and not use them for library books. Chairman Wagoner noted that the Board of Commissioners cannot force the Board of Education to use these funds for books, but certainly hopes that the Board of Education chooses to do so as grants for library books are not plentiful. Commissioner Moxley pointed out that books that are appropriate for the middle school age range are being transferred from the elementary schools to the new middle schools. Commissioner Wooten added that he would like to see these funds used toward matching grants. Commissioner Garner asked if books were necessary considering the rapid growth in computers and technology. Chairman Wagoner responded that Yadkin County is not in that position and that these books will satisfy current needs. Commissioner Moxley felt this was appropriate action for these funds.

**Vote: 4/1 (Garner against)**

Attorney Graham announced that his grandson was born on Tuesday, September 29, 2009 at 3:50am. The baby weighed 6 pounds, 14 ounces and was 21 1/4" long. Mother and baby came home on Thursday, October 1, 2009.

**Commissioner Wooten made a motion to enter a Closed Session for consultation with attorney per NCGS 143-318.11 (a) (3) and to discuss a personnel matter per NCGS 143-318.11 (a) (6). Vice Chairman Austin second.**

**Vote: 5/0**

**Vice Chairman Austin made a motion to end the Closed Session. Commissioner Garner second.**

**Vote: 5/0**

**Commissioner Wooten made a motion to adjourn. Vice Chairman Austin second.**

**Vote: 5/0**

Meeting adjourned at 12:34pm.

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Prepared by Clerk to the Board

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Date Approved by the Yadkin County Board of Commissioners